



Ref & Dept  
Room: 307

**BEST AVAILABLE COPY**

EX-101-5 IN 2:50

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Manne Satyanarayana Reddy, et al**

Serial No.: 10/647,449

Group No.: 1910

Filed: August 25, 2003

Examiner.: N/A

For: **POLYMORPHIC FORMS OF (S)-REPAGLINIDE AND THE PROCESSES FOR PREPARATION THEREOF**

Attorney Docket No.: U 014778-9

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

**REQUEST FOR REFUND**

Deposit Account 12-0425 was charged \$172.00 for independent claims in excess of three (Fee Code 1201) on February 17, 2004 (Control No. 15).

---

**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10**  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. Section 1.8(a)**

☒ with sufficient postage as first class mail.

**37 C.F.R. Section 1.10**

☐ as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_  
(mandatory)

**TRANSMISSION**

☐ facsimile transmitted to the Patent and Trademark Office (703) \_\_\_\_\_

Date: October 29, 2004

\_\_\_\_\_  
Signature

Janet I. Cord

(type or print name of person certifying)

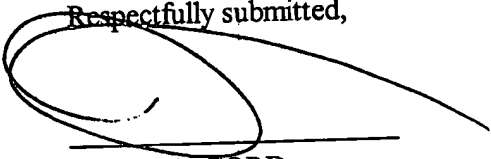
• Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## BEST AVAILABLE COPY

However, the Filing Fee (\$770.00); excess Independent Claim Fee (\$172.00); claims in excess of twenty fee (\$666.00) and the late filing of original declaration fee (\$130.00) were paid by check, TM 14300, in the amount of \$1,738.00 upon completion of the filing requirements on January 9, 2004. Attached is a copy of both sides of this cancelled check.

Refund of the overcharge of \$172.00, by credit, to Deposit Account 12-0425 is requested.

Respectfully submitted,



JANET I. CORD  
LADAS & PARRY LLP  
26 WEST 61<sup>ST</sup> STREET  
NEW YORK, NEW YORK 10023  
REG.NO.33,778(212)708-1935

**LADAS & PARRY**  
26 WEST 61ST STREET  
NEW YORK, N.Y. 10020

TM 14300

PAY TO THE ORDER OF

56011 DAT 32

102 P4983 02 01 1994

**Commissioner of Patents & Trademarks**

**Citibank, N.A.**  
**Citicorp Center**  
**153 E. 53rd St.**  
**New York, N.Y.**  
**10043**

**Private  
Banking  
Division**

**LADAS & PART**  
**U.S. ACCOUNT**

"014300" :021000089: 400 37933429"

0000 173800

PAID CITIBANK  
CCPD #653  
4085 5601 17732 01 1604

011  
SINE BANK SVC-751  
01162004

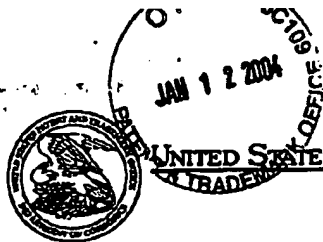
1. The first step is to identify the problem. This involves understanding the current situation and what needs to be improved.

①②③④⑤⑥⑦⑧⑨⑩⑪⑫⑬⑭⑮⑯⑰⑱⑲⑳㉑㉒㉓㉔㉕㉖㉗㉘㉙㉚㉛㉜㉝㉞㉟㊱㊲㊳㊴㊵㊶㊷㊸㊹㊺  
 WACHOVIA BANK NA SVC-071  
 PHILADELPHIA PA 01152004

# REPORT

PATENT AND TRADEMARK OFFICE  
13-10-0001  
01-14-2004  
FOR CREDIT TO THE  
U.S. TREASURY

96508 96596 0905



BEST AVAILABLE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/647,449	08/25/2003	Manne Satyanarayana Reddy	U 014778-9

Janet I. Cord  
 Ladas & Parry  
 26 West 61 Street  
 New York, NY 10023

01/14/2004 BSNYAS11 00000009 10647449

CONFIRMATION NO. 1649

01 FC:1001  
 02 FC:1051  
 03 FC:1201  
 04 FC:1202

770.00 OP FORMALITIES LETTER

130.00 OP

172.00 OP

666.00 OP

OC000000011352039\*

01/14/2004 BSNYAS11 00000009 10647449

Date Mailed: 11/26/2003

1 FC:1001 770.00 OP  
 2 FC:1051 130.00 OP  
 3 FC:1201 172.00 OP  
 4 FC:1202 666.00 OP

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$838 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$1738 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

Adjustment date: 12/09/2004 SDIRETA1  
 02/17/2004 UEDUVIJE 00000008 120425 10647449  
 01 FC:1201 172.00 CR